

City Council Meeting Minutes

**April 19, 2016
City Hall, Council Chambers
749 Main Street
7:00 PM**

Call to Order – Mayor Muckle called the meeting to order at 7:00 p.m.

Roll Call was taken and the following members were present:

City Council: *Mayor Muckle, Mayor Pro Tem Lipton, City Council members: Ashley Stolzmann, Chris Leh, Dennis Maloney, Susan Loo and Jay Keany (arrives 8:15 PM)*

Staff Present: *Malcolm Fleming, City Manager
Heather Balser, Deputy City Manager
Aaron DeJong, Director of Economic Development
and Interim Planning & Building Safety Director
Scott Robinson, Planner II
Carol Hanson, Acting City Clerk*

Others Present: *Sam Light, City Attorney*

PLEDGE OF ALLEGIANCE

All rose for the pledge of allegiance.

APPROVAL OF AGENDA

Mayor Muckle called for changes to the agenda and hearing none, moved to approve the agenda, seconded by Council member Maloney. All were in favor. Absent: Council member Keany

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Debby Fahey, 1118 W. Enclave Circle, Louisville, CO noted the Weigh and Win Kiosk was installed at the Recreation Center and she encouraged anyone who was interested to check it out.

John Leary, 1116 LaFarge Avenue, Louisville, CO speaking as Chairman for Citizen's Action Council (CAC) noted a newspaper article reported the CAC opposed the Arnold development at South Boulder Road and Hwy. 42. He stated CAC has never discussed the issue, has never taken a position and will not be taking a position.

APPROVAL OF THE CONSENT AGENDA

Mayor Muckle called for changes to the consent agenda and hearing none, moved to approve the consent agenda, seconded by Council member Stolzmann. All were in favor. Council member Keany absent.

- A. *Approval of the Bills***
- B. *Approval of Minutes : April 5, 2016***
- C. *Approval of Executive Session at 6:00 PM on May 3, 2016***
- D. *Approval of Dell Procurement***

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

Council member Loo noted the Arbor Day celebration and planting will be this weekend, Saturday April 23rd, at the arboretum 11AM until 2PM. She reported there is a branch recycle day on May 7, 2016.

CITY MANAGER'S REPORT

City Manager Fleming thanked all for their patience with the construction projects throughout the City. He noted the crews are working quickly and making good progress.

REGULAR BUSINESS

RESOLUTION NO. 17, SERIES 2016 – A RESOLUTION APPROVING THE SOUTH BOULDER ROAD SMALL AREA PLAN

Mayor Muckle called for a staff presentation.

Planner II Robinson noted the draft South Boulder Road small area plan was presented at the last City Council meeting. The changes Council requested are reflected in the updated plan and addressed in the staff report included in the packet. The biggest change was to the Urban Design Plan which addresses the allowed uses. The allowance for residential as a Special Review Use (SRU) in Commercial Community (CC) and Commercial Business (CB) zone districts has been removed. One issue that was unclear from Council's direction at the April 5 meeting is how to treat properties zoned CC and CB that already have residential development. If one of those

developments wanted to redevelop, under the current rules, they would have to apply for a new Planned Unit Development (PUD) and a new Special Review Use (SRU). Staff wanted clarification from Council if the direction was to remove the possibility existing residential properties could redevelop as new residential properties. Would they lose their right for residential use or would they be grandfathered in and keep existing rights to their current residential density.

Mayor Muckle called for Council questions.

COUNCIL QUESTIONS

Council member Loo asked City Attorney Light to comment on the legality of the changes if a person had a previous understanding of what they could do. City Attorney Light noted for those who have taken a development proposal and implemented by obtaining building permits, they have a lawful use or a lawful non-conforming use depending on the codes. He stated the adoption of the small area plan is not regulatory. Staff's desire for direction is on the next activity, for possible legislation to implement the small area plan. If the vision is to not to allow SRU's for residential, staff would work on regulations to provide for that. Approval of the small area plan is not changing the zoning code. He laid out some hypotheticals and noted it would depend on the legislation coming out of implementation of the small area plan. If the Council wanted a regulatory mechanism to move existing residential upon redevelopment to a different use, there would be some overlay regulation like the mixed use regulations for the Hwy. 42 area. Implementing certain uses in the future could no longer occur. Another regulatory approach would be considering uses as they are now but state if you prohibit residential they become legal non-conforming uses and then decide if there is a grandfathering concept to consider.

Mayor Pro Tem Lipton sensed there was no intent to change existing entitlements, but under redevelopment could there be a limit imposed on what might be requested through the SRU.

City Attorney Light stated yes, through some sort of regulatory change. The regulatory change would take place after the plan is adopted.

Council member Loo asked if one of the developments named in the staff report has 150 units now and submits redevelopment plans, could legislation be drafted that would allow the same 150 units and then Council could determine the number of stories. City Attorney Light answered yes, this could be an option. He noted there would be any number of items where legislative action could be drafted.

Mayor Pro Tem Lipton hoped to give staff some general direction. He asked if the possibility of SRU's could be removed or if there is some vested right under zoning for property owners to seek higher density through the SRU process.

City Attorney Light noted it was a hard question to answer in general; each specific ask would have to be looked at, amended and applied to the parcel.

Mayor Muckle noted the citizens concern about high density development and the potential of commercial becoming residential. He understood there was discussion of the Comprehensive Plan having language to affect future SRU's being in conflict with the Comp Plan.

Planner Robinson stated just changing language in the small area plan and the Comprehensive Plan leaves you in a gray area, because of the language about the SRU having to be compatible with the Comp Plan. Zoning allows one thing, and the Comp Plan as a policy document says something different. The recommendation is once the small area plan is adopted to come back with regulatory change so everything lines up and property owners know what their rights are.

Council member Stolzmann wanted to give clear direction on zoning on the property's current uses and if redeveloped, could they retain those uses. She supported not having to change uses with future redevelopment.

Mayor Muckle agreed existing could be redeveloped at the same level.

Mayor Pro Tem Lipton wanted to allow redevelopment at current density but not allow raising the density.

Mayor Muckle asked if there was consensus on this issue.

Council member Loo felt there was consensus from the community to not see any more high density developments in this area. However, throwing out the SRU process is not the answer. If a developer brings a high density development, it would probably be defeated. She supported leaving the SRU process in place as a tool.

Council member Leh felt the arguments were compelling to leave out the SRU process in this area.

Mayor Pro Tem Lipton wanted to leave SRU rules alone and in the Comp Plan it would have to be compatible. Most high density residential would not meet the Comp Plan guidelines.

Council member Leh thought the question was whether the SRU process was going to be used in this area. He didn't want the process removed entirely, but include language to effectively remove it from the area. He thought the consensus at the last meeting was the SRU process was not even going to be a possibility.

Council member Stolzmann thought what was agreed upon was Community Commercial (CC) and Commercial Business (CB) would not allow residential. SRU is not taken away, but residential uses in those zone districts would not be compatible. Other SRU's could be used in other instances.

Council member Leh agreed. Council member Loo thought the difficulty would be the redevelopment of those zone districts if they already contain residential.

Planner Robinson said this was where direction was needed. Should currently allowed residential be allowed with redevelopment.

Council member Loo was concerned if there was no SRU across the board, current uses could not be allowed with redevelopment.

Mayor Muckle proposed trusting staff to bring back legislation to generally preclude residential as a possible use by special review in these zone districts and address grandfathering of present uses.

Mayor Muckle asked for discussion on heights.

Council member Maloney asked about the Regal area on the map in the packet. He was concerned about the height allowances near the adjacent homes and wanted to protect the property owners from being in the shadow of commercial buildings.

Planner Robinson noted the recommendation from the last meeting was to put in a residential transition standard, which is currently in the mixed use zoning, which says within a certain distance of existing residential the maximum height is limited. Those heights would be fleshed out with the design guidelines. The plan now calls for additional buffers against existing residential but is not represented on the map but in the text of the document.

Council member Stolzmann wanted the text developed for the guidelines also be shown clearly in the graphic.

Council member Leh asked about the Main Street crossing and underpasses. He addressed the text concerning the new note directing staff to continuously evaluate the area need for an underpass. He requested the underpass be included as part of the South Boulder Road traffic improvements and recommended the public improvements chart include the underpass at Main Street and South Boulder Road.

Mayor Muckle supported the idea of exploring an underpass near Main Street. He noted it would be expensive and has to be done with an engineering point of view, with some flexibility and support of staff language to improve the crossing in the meantime.

Council member Leh noted this underpass was in addition to the one at Via Appia and agreed to improvements to the pedestrian experience, but wanted an underpass.

Council member Loo felt citizens wanted the underpass at Main. She did not want to raise expectations that can't be met. Land is not owned except at Via Appia. There are not sufficient dollars in the budget available to support this underpass with acquiring land and construction costs. For now, make the area more pedestrian friendly in the ways you can.

Mayor Pro Tem Lipton thought it would be highly desirable to have an underpass at or near Main Street and South Boulder Road. If raised as a priority in the list, staff could work to acquire funds.

Council member Stolzmann felt the underpass was worth putting in the plan, so the design, options and funding could be explored and see if it could get done. She agreed it would be expensive and would compete with other priorities, but felt it made sense to have an underpass at this location.

City Manager Fleming recollected the issue of property ownership precluded the underpass in this area. He wanted to make sure something was not going back into the plan which Council previously did not want.

Council member Leh agreed there were competing priorities for capital projects. Timing would be an issue, but an underpass needs to be in the plan. All of this would be subject to cost, engineering and ownership issues.

Council member Maloney respected the pragmatic approach, but felt ideally the underpass needs to be in the plan because it would add value to the corridor.

Council member Stolzmann remembered when Council tabled the Main Street re-alignment. The property owner gave a presentation for a proposed redevelopment plan which included an underpass. She felt the re-alignment of Main Street was what was tabled, not the underpass.

Mayor Muckle felt the way it would become affordable was because of the land acquisition as part of a redevelopment of the property. He noted it would be very expensive to build by ourselves in the next 3-5 years. If seeking federal and state funds there would need to be money for design and cost projections which is not a quick process. He felt it was a very valuable project for the City and wanted to include it in the plan so it could continue to be worked towards.

Planner Robinson asked if Council wanted to add it to the implementation table as well. The answer was yes.

Council member Stolzmann asked for Council member Leh's proposed year range for this project. Council member Leh felt it should be in the 6-10 year range.

Council member Loo asked if there was money in the budget for at grade improvements. Planner Robinson responded yes, in the 6-10 year range.

Mayor Muckle expressed a desire to see open space buffer property in the purchase plans. He would like to see language about the Seventh Day Adventist Church property added to what was in the plan for the Santilli property; evaluate the possibility of acquisition.

Mayor Pro Tem Lipton did not want to require property owners to sell but suggested this may be an opportunity to partner with Lafayette to provide the buffer. He did not want to necessarily see it be at the top of the list, but agreed it should be on the map for future evaluation.

Council member Stolzmann addressed the intersection of two way traffic into North Main apartments. She asked the plan read it becomes two-way traffic when the property to the east is redeveloped. The driveways combine to create one, two way driveway.

Planner Robinson was asked if combining those driveways was possible. He answered yes, language could be in the plan to address combining those driveways if there were a redevelopment.

Council member Leh addressed an email received which corrected depiction of a trail or sidewalk that does not exist. He asked it be corrected if needed. He supported the suggestion there should be a connection between Village Shopping Center and the trail.

Council member Keany arrives 8:15 PM

Council member Maloney asked if those connections were reasonable. Planner Robinson commented the connection to the shopping center could be added. He noted if there was a wish for a sidewalk along Centennial when and if the properties on the east side redevelop, that would be a fine idea. The trail noted as not existing is a dedicated bike lane on Steel Street and therefore included as a connection.

Council member Stolzmann asked about South Boulder Road and Kaylix. The proposed signal is closer to Hwy. 42 and may create more problems by signals being too close together. She did not want to push traffic into neighborhoods as they try to avoid stop lights.

Council member Loo asked for input from staff about any agreements with CDOT on the Kaylix signal. The answer was there were none, it is a local road. She asked about the signal at Cannon and CDOT assistance.

Planner Robinson noted the adopted Hwy. 42 Gateway Plan CDOT has agreed to and endorsed the signal at Cannon Circle.

Council agreed to leave out of the plan the signal at Kaylix.

Council member Stolzmann didn't feel CDOT would allow the signal at Hwy 42 and Cannon even though they have agreed to the plan. She thought better placement was at Griffith and not so close to the intersection.

Planner Robinson noted any signal on a State highway has to be considered warranted by CDOT. He noted there is a property owner there going through potential redevelopment with the assumption the signal at Cannon will be there.

Council member Stolzmann understands taking the signal would not prevent the redevelopment as proposed to proceed.

Planner Robinson noted the redevelopment is counting on the signal being there. There still would be the possibility the signal would not be considered warranted by CDOT and never be installed.

Council member Loo was reluctant to take out the signal on Hwy 42; if never warranted, it won't go in, but should be left on the plan.

Mayor Muckle did not want to change the signal on this plan.

Council member Maloney thought unless it was needed, leave it off.

Council member Stolzmann felt what was envisioned is not what is being developed. She wanted it to be at a safe location. Council member Loo reiterated if it was never warranted, it would not be put in.

Council member Maloney addressed the fiscal model. He realized it is directional not exact. He wondered where the assumptions come from. Using the same number for percent spent on taxable income across all income levels could skew the model as much as 20%. He was cautious about the numbers and thought they were too high. Finance committee should look at the fiscal model.

PUBLIC COMMENT

Jean Morgan, 1131 Spruce Street, Louisville, CO thought the signal at Cannon and Hwy 42 was improperly placed. It should go on Griffith. She agreed the signal at Kaylix was too close to other signals. There is a need to have a way to turn left onto Hwy. 42. Short Street and Hwy. 42 signal is needed.

John Leary, 1116 LaFarge, Louisville, CO shared Council member Maloney's concern about the Fiscal Model but thought in this case it was directionally correct with no precisions. He thought the issue of office spending and office value needed to be looked at in the model. On the issue of the signal at Cannon, he felt other alternatives should be looked at for accessing the property.

Patricia Thompson, 1381 Golden Eagle Way, Louisville, CO was concerned about the City purchasing property and adding to school enrollment. She asked about residential impact and supported the preservation of property.

Brian Topping, 1550 White Violet Way, Louisville, CO has traveled to cities where underpasses have been blocked off due to safety. He cautioned against facing that possibility in the future.

Mayor Muckle appreciated the comment, but noted there was an effort to make any underpasses lighted and safe.

City Attorney Light suggested Council approve the revisions to the plan by motion and then approve the plan with those revisions.

Revisions -

- Revision to the table on Page 118 (South Boulder Road Traffic Improvements by Intersection) to add a reference to the underpass in the vicinity of or near Main Street and on Page 124 (Recommended Public improvements) add as a line to the Bike and Pedestrian section. Language with \$\$\$\$ and in the 6-10 year horizon.
- Shared two way driveway for North Main apartments and Christopher Village.
- Open Space/Public Lands considerations – expand the note on page 118 to include the Southeast corner of Paschal and 95th Street (along with the Santilli property).
- Trail connections – Connection to Village Square shopping center with trail to the north; trail along east side of Centennial Parkway from South Boulder Road up to trail along the north side of Village Square.

- Signal at Kaylix comes out of the plan
- Signal at Cannon stays in the plan
- Commercial Community (CC) and Commercial Business (CB) zone districts; the potential for a Special Review Use (SRU) allowance for residential would be removed, except for properties that have existing residential SRU's would have the potential if they redevelop to maintain the same density and would have to comply with any new design guidelines.

MOTION: Mayor Muckle moved to approve the revisions to the South Boulder Road Small Area Plan. Mayor Pro Tem Lipton seconded. All in favor.

MOTION: Mayor Muckle moved to approve Resolution No. 17, Series 2016, seconded by Council member Loo. All in favor.

**RESOLUTION NO. 18, SERIES 2016 – A RESOLUTION APPROVING A FINAL
PLANNED UNIT DEVELOPMENT (PUD) PLAN TO ALLOW FOR THE
CONSTRUCTION OF A TWO-STORY, 59,629 SF MULTI-TENANT OFFICE/FLEX
TECH SPACE FOR LOTS 3 & 4, CENTENNIAL VALLEY BUSINESS PARK**

Mayor Muckle called for a staff presentation.

Planner II Robinson noted Resolution No. 18, Series 2016 is a request to approve a final Planned Unit Development (PUD) to allow for the construction of a two story, 59,629 SF multi-tenant office/flex tech space for Lots 3&4, Block 3, Centennial Valley Business Park - 168 Centennial Pkwy.

- Located in Centennial Valley
- Property zoned Planned Community Zone District – Commercial (PCZDC)
- Required to follow CDDSG
- 59,269 SF office/flex space
- 66% lot coverage, 34% landscaping
- Two access points
 - 239 parking spaces
- 1 story on the front
- 2 stories on the back

Staff recommends approval of Resolution 18, Series 2016, with the following conditions:

1. The applicant must comply with the March 3, 2016, Public Works memo prior to recordation.

COUNCIL COMMENTS

Council member Maloney asked about a Planning Commission question concerning pedestrian access. The answer was Planning Commission felt satisfied it was not an issue.

Council member Keany asked about lighting and impact on residents across the street.

APPLICANT PRESENTATION

Mike Miranda, 2919 W. 39th Avenue, Denver, CO on behalf of the design development team reported on the project goals. He felt the area was a great example of a mixed use development. There is residential, retail, and already office development. This is a great location for this speculative office development. He showed the plan and pointed out substantial landscaping and the safe pedestrian access for the visitors and workers of the building. The design tries to work with the site, not against it. From the residential side, it will appear as a one story development. There are plans to have outside plaza areas that could be used for outdoor work. The lighting would be for security with some lighting along Centennial with no up-wash lighting. Dark sky requirements will be met.

COUNCIL QUESTION

Mayor Muckle asked if the parking lot would connect to the adjacent development. The answer was no. Mayor Muckle asked about drainage issues. Planner Robinson felt this development should actually help with drainage issues in the area.

Jeff Sheets, Koelbel and Company, 5291 E. Yale Avenue, Denver, CO remarked on the slope of the site and working with it. Both floors will act as offices. The connectivity to the retail is important. The roadway will allow for traffic to come in two ways.

PUBLIC COMMENT

Larry Boven, 1108 Hillside Lane, Louisville, CO stated he lives directly across from the development. He was positive about the pedestrian walkway and the lower elevation of the side of the building facing residential. He was concerned about the impact of the lighting and the exit and entrance on east the side directly across from Hillside Lane. He wanted to protect the safety of families in the area and asked for consideration of only one entrance on the west side. Putting a private drive on McCaslin may cause traffic issues.

COUNCIL COMMENT

Council member Stolzmann thought the developer used the site well and met the design standards. The access for pedestrians needs to be a requirement.

Council member Leh agreed.

Mayor Muckle agreed and felt the private drive and connectivity was not a major traffic impact.

Council member Loo agreed and felt this is an exciting development in Centennial Valley.

Planner Robinson noted a second condition could be added concerning the pedestrian access and City Attorney Light suggested the language added to the resolution to read:

2. The plan shall incorporate a pedestrian connection to the commercial area lying southeast of the project, either through the adjoining, existing landscape area as presented at the City Council hearing, or in an alternative location.

MOTION: Mayor Muckle moved to approve Resolution No. 18, Series 2016 with the additional condition as described seconded by Council member Stolzmann. All in favor.

DISCUSSION/DIRECTION – 2016 BALLOT QUESTION FOR EXTENSION OF HISTORIC PRESERVATION TAX

Mayor Muckle called for a staff presentation.

City Manager Fleming noted the existing Historic Preservation Tax, expires in 2018. This discussion centers around whether the City should put a ballot measure on the ballot in November to extend the existing tax and potentially expand it for providing operating and or capital funding for the Museum. He noted the Pros and Cons were listed in the Council Communication. There is a current possibility of a ballot measure for the Recreation and Senior Center expansion project this November.

Mayor Muckle asked this be put on the agenda for discussion. He was convinced the Historic Preservation Tax had achieved a lot of its goals and been successful. He thought it would be beneficial to have this on the ballot at some point and if approved, would give a longer time horizon to work on things like the revolving loan programs and other items the Historic Preservation Commission has talked about. He was prepared to use some of the money for the Museum Campus. Although he wouldn't normally suggest extending tax measures years in advance he did not want to look back and wish it had been considered. He was not convinced it would compete with the Rec Center expansion question.

Council member Maloney agreed the historic preservation tax has accomplished a lot of good things. He felt more things on the ballot regarding taxes can be viewed negatively and there was work to be done to prepare this for the ballot. He was cautious about wanting to move forward with this.

Deputy City Manager Balser noted there was a question concerning the extension of this tax and about a portion being allocated to the museum on the citizen survey. The consultant for the survey was asked to provide the data but the timeline would still be tight.

Mayor Pro Tem Lipton was conflicted on having this conversation with all the effort on the Rec Center Task Force. Perhaps more effort needs to be done regarding analysis for voters as has been considered with other taxes. Laying the foundational work to show what the money is going to be used for is important.

Council member Stolzmann was not concerned about getting a negative voter answer it would just help in determining the way to represent those voters. Multiple questions in a year are not a problem as voters can make a decision on each question.

Council member Keany was concerned about asking too much at one time. This could be on a ballot again, but if it is put on and the rec center also fails, it would be a concern. There is also the potential for a Broadband question.

Mayor Muckle felt the populace could determine which ballot items should be supported. Eight years of foundation has been laid with the successes of this program.

Council member Loo agreed since so much work had been put into the Rec Center Task Force she found it difficult to be objective. Faced with two tax issues, voters may be reluctant. She leaned toward waiting.

Council member Leh felt there was little to lose and more to gain by waiting on this tax extension.

PUBLIC COMMENT

Gordon Madonna, member of the Historical Commission, wanted to continue funding historic preservation. As a resident, he felt the priority was historic preservation.

Chuck Thomas, on Historic Preservation Commission, noted this was a unique tax for preservation and is a jewel for preserving the community. Other communities have to beg for funds and twist projects to match guidelines. Here the fund is dedicated to preservation and makes for strong community character.

Linda Haley, on Historic Preservation Commission, said as a resident she was torn. The HPC would have a lot of work to get the word out and show it is beneficial. She felt maybe one more year to pursue this might be beneficial. Tax payers will recognize the difference between continuation and addition of a new tax. Historic preservation is a compliment to Rec Center not a competition.

Council member Loo wanted to make it clear about the role of HPC if it were to become a ballot issue. Linda Haley noted they have had many conversations about the rules in regard to campaigning.

Council member Leh wanted to draw a distinction that the decision is whether it is appropriate to put on the ballot now or later. The risk is the ballot issue fails.

Mayor Pro Tem Lipton noted this was not just an extension, but also repurposing toward something not used in the past.

Debby Fahey, W. Enclave Circle, Louisville, CO agreed it is a great and unique program. Putting it on to compete on the ballot with the Rec Center tax would affect it somehow. The Rec Center Task Force has done months of study and the Historic Preservation Commission has not done that legwork. She was inclined to postpone until next year.

Mayor Muckle noted the groundwork was not significant the first time this tax went to the ballot. He suggested waiting and seeing if the results on the citizen survey shows strong support then Council could look again at the issue.

Council member Stolzmann felt that was a good idea but makes the timeline very short.

Deputy City Manager Balser noted staff would have to do some prep work.

Council member Stolzmann noted she feels ill prepared on fair campaign practices and wanted more training.

Deputy City Manager Balser noted City Attorney Light has been asked to put together additional information about elections and potential ballot questions.

Council member Loo noted there is a lot going on and putting the historic preservation tax on the ballot was not in the work plan. She wanted to re-evaluate priorities and focus on the original work plan.

Mayor Pro Tem Lipton asked to wait on survey results and that staff not spend too much time on it.

Council member Leh felt the question was how much time would have to be spent.

City Manager Fleming felt it would involve time on Council members, HPC and several staff members.

Mayor Muckle asked staff not to work on this and wait for survey results. Deputy City Manager felt realistically there would have to be some staff work.

**3rd AMENDMENT TO NORTH END GENERAL DEVELOPMENT PLAN (GDP) and
NORTH END MARKET FINAL PLAT AND PLANNED UNIT DEVELOPMENT (PUD) –
SOUTH BOULDER ROAD AND BLUE STAR LANE**

**ORDINANCE NO. 1717, SERIES 2016 – AN ORDINANCE APPROVING AN
AMENDMENT TO THE NORTH END GENERAL DEVELOPMENT PLAN (GDP) TO
ALLOW 27 ADDITIONAL RESIDENTIAL UNITS AND REDUCE THE COMMERCIAL
SPACE TO 40,000 SQUARE FEET – 1ST READING – Set Public Hearing 05/17/2016**

**RESOLUTION NO. 19, SERIES 2016 – A RESOLUTION APPROVING A FINAL PLAT
AND FINAL PLANNED UNIT DEVELOPMENT (PUD) TO CONSTRUCT A MULTI-USE
DEVELOPMENT CONSISTING OF 65 DWELLING UNITS AND 40,000 SQUARE
FEET OF COMMERCIAL SPACE AT BLOCK 11, NORTH END PHASE II –
CONTINUE TO
05/17/16**

Mayor Muckle requested a City Attorney introduction.

City Attorney Light introduced Ordinance No. 1717, Series 2016 and Resolution No. 19, Series 2016. Staff recommended City Council set a public hearing on May 17, 2016 and also continue the companion resolution to May 17, 2016.

Council member Stolzmann noted there were citizens in the audience wishing to speak on this topic. City Attorney Light stated if public comment was heard, it would have to be presented at the public hearing in some form so the applicant would have the opportunity to respond.

Mayor Muckle asked for a history on this development and the fiscal analysis of the North End project the way it was originally proposed at the public hearing.

Mayor Pro Tem Lipton wanted a chronology; history of what was originally proposed, what was approved, what amendments requested and what was approved, what were the resulting commitments.

Council member Leh agreed laying out the history was important for the public as well.

Mark Cathcart, 1763 Sweet Clover Lane, Louisville, CO noted this development has overlapping interests with the South Boulder Road Small Area Plan. When the applicant presented this in the neighborhood, there was a large turnout. Concerns were raised over road access, parking as well as reducing the buildings.

John Leary, 1116 LaFarge Avenue, Louisville, CO thought it would be interesting to see how many times “use by right” was used with this project.

MOTION: Mayor Muckle moved to approve Ordinance No. 1717, Series 2016 on first reading, ordered it published and a public hearing be set for May 17, 2016, seconded by Council member Loo. All were in favor. Resolution No. 19, Series 2016 was continued to May 17, 2016.

ORDINANCE NO. 1718, SERIES 2016 – AN ORDINANCE AMENDING SECTIONS 5.10.140 AND 5.11.150 OF THE LOUISVILLE MUNICIPAL CODE TO EXPAND HOURS OF OPERATION FOR MEDICAL MARIJUANA CENTERS AND RETAIL MARIJUANA STORES – 1st Reading – Set Public Hearing 05/03/2016

Mayor Muckle requested a City Attorney introduction.

City Attorney Light introduced Ordinance No. 1718, Series 2016. Staff recommended the City Council set a public hearing on Ordinance No. 1718 for May 3, 2016.

MOTION: Mayor Muckle moved to approve Ordinance No. 1718, Series 2016 on first reading, ordered it published and a public hearing be set for May 3, 2016, seconded by Mayor Pro Tem Lipton. All were in favor.

CITY ATTORNEY'S REPORT

City Attorney Light stated materials will be made available concerning the Fair Campaign Practices Act and the roles of Boards and Commissions as well as Council. In a nutshell, once the campaign for a ballot issue has been set or submitted for title setting, then public entities are precluded from spending public resources to urge electors to vote one way or another on a ballot issue.

COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF FUTURE AGENDA ITEMS

Council member Stolzmann noted the Finance Committee received a nice update from Penney Bolte, Tax Manager on a project she is working on to provide uniform definitions. The goal of this phase of the project was to provide for online purchases tax collected by the state to be distributed to municipalities.

Mayor Muckle noted he and Deputy City Manager Balser were in Washington D.C. and had some productive conversations concerning quiet zones and the train horn rule being reviewed.

Deputy City Manager Balser asked Council members to review their calendars and a meeting be scheduled to look at ballot issues.

Council member Maloney in regard to future agenda items, asked about open space and interest in acquiring properties. He wanted to have some policy discussion. Mayor

Pro Tem Lipton noted the Open Space board had discussed this and they agreed there needs to be a discussion, but likely could not be scheduled until fall due to staff time constraints. Mayor Muckle agreed it was an important discussion to have. Council member Stolzmann supported putting it on a future agenda.

ADJOURN

MOTION: Mayor Muckle moved for adjournment, seconded by Council member Leh . All were in favor. The meeting was adjourned at 10:30 p.m.

Robert P. Muckle, Mayor

Carol Hanson, Acting City Clerk